



2012

ANNUAL REPORT

Performance Highlights



The Law Society of
Upper Canada | Barreau
du Haut-Canada

Performance Highlights

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On the cover

Front cover: Articling Debate, November Convocation

Back cover, clockwise: Articling & Beyond; International Women’s Day Celebration; Articling Debate, October Convocation; Pride Week Celebration; April Paralegal Welcome Reception

A year of impending change

Many of the highlights summarized in this annual report reflect a year in which the Law Society met its goals and obligations very well.

We continued to regulate legal services in Ontario effectively and efficiently, our membership grew to almost 50,000 lawyers and paralegals, our continuing professional development programs were well-attended, and we provided legal help to more than 140,000 Ontario residents through the free Law Society Referral Service. These and other initiatives are described in the following pages.

It was also a year, however, of impending change. A year in which it became increasingly apparent that the traditional ways of practising law and providing legal services do not match the needs of many of our clients. The number of unrepresented litigants appearing in some courtrooms has reached 80 per cent. Individuals are choosing to obtain legal advice on family law and estate matters from the Internet, often without any assurance that a licensed lawyer or paralegal has been involved. Property owners are engaging virtual law firms to conduct real estate transactions. People are watching the experiences of other jurisdictions where radically different models of providing legal services are being introduced. Against this background, the Law Society's mandated obligation to facilitate access to justice for Ontarians is becoming an increasingly compelling priority.

We know from the Ontario Civil Legal Needs Project that the complexity, the time required, and the costs of resolving legal needs can be barriers to access to justice. The same project told us that more than three quarters of those individuals who sought legal help from a lawyer were very satisfied, and that the costs were reasonable. But an increasing number of people chose not to ask a lawyer for assistance, sometimes because they preferred to use the Internet and other resources to solve their legal needs, and sometimes because they assumed that a lawyer would be too expensive.

The challenges of accessing the justice system are being echoed in many other quarters. Judges, including the Chief Justice of the Supreme Court of Canada, legal associations, legal aid providers, community advocates, and members of provincial and federal governments are also raising concerns. Access to justice is a fundamental precept of a democratic society. Ontario has a justice system that is respected and often emulated, but it must continue to evolve in order to meet the challenges of the next generation. The Law Society of Upper Canada needs to play its part in encouraging law reform, in supporting other initiatives throughout the justice system, and in providing leadership where appropriate.



Thomas G. Conway, Treasurer

My commitment is to bring together the key players in our justice system to encourage them to increase their collaboration and to consider strategic approaches to further the access to justice agenda. There are significant resources already in place, there is much dedication, there are skilled practitioners at all levels, and there are many organizations and agencies with common goals to be realized in reforming the justice system, so that it better serves all Ontarians now and in the future. I hope to be able to create a forum to move the realization of those goals ahead.

It is a year of impending change within the profession as well. The traditional licensing requirement of articling has become a barrier to many candidates, preventing them from being called to the Bar. Since 2008, the number of licensing candidates seeking an articling position in Ontario has grown faster than the number of positions available each year. As a result, in 2012 there were almost 15 per cent of the graduating class still looking for an articling position in April, with the number falling slowly through the rest of the year. The Law Society's Articling Task Force was created in 2011 to address the problem, but soon

realized that the issue was broader and more complex than finding a few hundred new articling positions. The discussion became a debate about practical legal training, and what skills a lawyer needs in order to practise in 2013. It is a debate the legal profession hasn't had for generations.

After an extensive consultation with all the interested parties, and the receipt of more than 100 written submissions, Convocation took two sessions, one in October and one in November, to decide on a pilot program that will offer two pathways to becoming licensed to practise law in Ontario — a continuing pathway through articling, and a new Law Practice Program with a combination of study and work placement, to be introduced in time for the 2014-15 graduating class.

The Law Practice Program is not everyone's perfect answer, but it gives students the option of becoming licensed and getting out and practising and proving that they are good lawyers. Our intention is, however, to create a rigorous program adapted to the varied demands and new challenges of law practice in the 21st century and to employ the latest pedagogical advances in providing law school graduates with intense and relevant experiential training. And there is also a hope that the new pathway will make it easier to enter and pursue a career in areas of practice like family law, criminal law, and immigration law that are typically underrepresented in the traditional articling pathway.

The growth of licensing candidates from outside the country has been matched by an influx of internationally trained lawyers seeking certification to practise in Ontario and other provinces. This, in turn, has led the Federation of Law Societies of Canada to review the criteria for a Canadian common law degree, and to establish the required competencies for all common law degree holders. Our law society is a major actor in the Federation and its work on the national stage. The Federation realized very quickly that admissions criteria, curriculum, and teaching philosophies were very different from one law school to the next.

In the face of all of these pressures, from articling candidates and from internationally trained lawyers, as well as from the new law schools opening or being planned in Canada, legal education as we have known it for several generations is on the cusp of transformation.

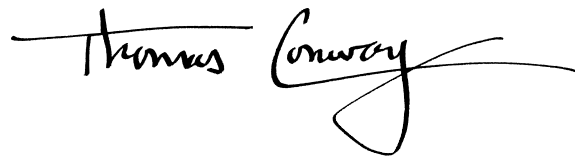
2012 also marked a milestone in paralegal regulation. In June, at the first Convocation at which I presided as Treasurer, the Attorney General of Ontario, The Honourable John Gerretsen was in attendance to receive the five-year progress report on the implementation of paralegal regulation. These were some of his remarks as he accepted the report:

"Ontario's legal system has long been the envy of the world, known for its innovative reforms and the progressive steps it has taken to improve access to justice. I can personally attest to

this by the number of delegations we get from around the world that want to know why our system in Ontario works as well as it does. They want to learn from us, they want to import from us the excellent system that we have. Five years ago, our government and the Law Society of Upper Canada solidified our leadership by pioneering the regulation of paralegals, and today our citizens have opportunities and choices when it comes to accessing high quality, affordable legal representation that are unmatched anywhere in the world."

Subsequent to the receipt of the five-year progress report, the Attorney General fulfilled the final reporting obligation contained in the original legislation by commissioning an independent review of paralegal regulation. That review, conducted by Mr. David Morris, also found the introduction of paralegal regulation to have been very successful. Looking ahead, Mr. Morris recommended that "the Law Society continues to actively pursue opportunities to facilitate greater access to justice through broadening the scope of permissible paralegal practice, but that such broadening is directly linked to the recommendations above with respect to paralegal education, work experience, and professional conduct." Those 'recommendations above' include a comprehensive review of the paralegal training and examination regime and a consideration of alternate licensing or accreditation that might follow specialized and substantive training in specific areas of law.

There is no doubt that the transformation of legal education, the continuing reforms in the justice system, and the evolution of paralegal regulation will all play a part as the pressures intensify on all members of the legal community to better meet the legal needs of the public. I look forward to working with benchers, Law Society staff, key stakeholders, and other committed partners to enhance access to justice for all.



Thomas G. Conway
Treasurer

Pursuing excellence in a time of change

After my first full year as Chief Executive Officer of The Law Society of Upper Canada, it is clear to me that we have a very vibrant, active and diverse organization, thoroughly engaged in the protection of the public interest and in ensuring access to justice.

As we prepare to take on a stronger leadership role in facilitating greater access to legal services in this province, we must confront the realities of a rapidly changing legal and professional landscape and position ourselves to continue to effectively govern Ontario's lawyers and paralegals in this new environment.

With this in mind, at the end of 2012 we began a review of our operations to realign activities and create efficiencies that will improve our ability to deliver on the Law Society's strategic and operational priorities. As we begin to implement the results of this review, my vision is to see the Law Society reaffirm and maintain excellence in our operations and policy development and continue to be universally recognized as a regulator that is proactive, innovative and effective.

In 2012, the Law Society made tremendous progress supporting the priorities set by the current Bench. The Performance Highlights outlined below reflect how far we have come on each of these key areas.

Priority 1: Access to justice

The Law Society's benchers reinforced the Society's commitment to facilitate access to justice for the people of Ontario when they approved the list of strategic priorities for the next four years, and listed access to justice as a major priority.

In 2012, the Law Society's Access to Justice initiatives had a strong technology component, given the important role the Internet increasingly plays in expanding the reach of affordable legal information, advice and representation.

In May, the Law Society enhanced its long-standing referral service to ensure greater access to legal services providers, expanding the popular service to include paralegals, re-launching it as the Law Society Referral Service with clearer user guidelines, and enabling online referrals.

We launched the *Your Law: Family Law in Ontario* website in June to consolidate the excellent family law resources, which are already available online, into an easy-to-use gateway to information and guidance to help parents and children involved in a family breakdown navigate the legal system. The website is contributing to a better justice system by educating the public about the questions they should ask and the issues they should consider when they face a family law problem.



Robert G.W. Lapper, Q.C., Chief Executive Officer

The second phase of the unbundling of legal services initiative, which began with changes to the conduct rules in September 2011, is continuing. Unbundling can be a valuable tool in enhancing access to justice, particularly for those who cannot afford a lawyer for their entire legal matter. We are consulting on civil process issues with the Civil Rules Committee and the Family Rules Committee on how the unbundling of legal services might better work in the courts.

Priority 2: Competence and professional standards

Ensuring our licensing requirements are fair and accessible and that the public has access to competent legal services providers took centre stage in 2012. Our engagement on the issue of practical legal training has been one of the most significant undertakings of the Law Society in many years. The interest of the profession, academia, students, governments, and other law societies has been unparalleled. The consultation process that was undertaken and the efforts to be transparent in the discussion through webcasting and social media were extremely well received by the legal profession in Ontario.

In November, after extensive consultation and a robust discussion, Convocation approved a three-year pilot project that will allow lawyer licensing candidates to either article or complete a Law Practice Program (LPP), starting in the 2014-15 licensing year.

The Paralegal Licensing Process will also undergo revisions to strengthen entry-level standards, through the addition of substantive legal knowledge to the licensing examination. Convocation approved the revisions in October, following the completion of the Law Society's Five-Year Review of Paralegal Regulation and the Legal Needs Analysis, to support the evolution of the paralegal profession and the possibility of future expansion into other areas of practice.

The Continuing Professional Development requirement — a critical initiative to demonstrate our commitment to our members' competence and to reinforce public respect for our profession — has been in place for two years. Convocation approved a series of amendments in the spring to make it more convenient for members to complete hours and provide greater flexibility by increasing the range of eligible activities and shortening the requirement for Professionalism content for new members.

To support lawyers and paralegals in Ontario who are experiencing a professional or personal crisis, the Law Society and LAWPRO selected a new, confidential Member Assistance Program (MAP) operating independently of the Law Society. Beginning in 2013, lawyers and paralegals now have access to a full range of professional, confidential services. These include counselling, peer-to-peer support, crisis management services, substance abuse counselling, lifestyle and specialty counselling, as well as online resources and peer resource tools.

Priority 3: Equity, diversity and retention

Collection of data continues to inform the creation of Law Society programs, initiatives and resources that encourage equity and diversity in the profession and support the retention of women.

In 2012, we expanded the Change of Status Survey to include paralegals to identify trends and compile information relating to reasons for movement in the profession.

Results of a study undertaken by Professor Fiona Kay are expected in 2013. The study is the culmination of a 20-year longitudinal study of Ontario lawyers, beginning in 1990, which focuses on job transitions, as well as departures from and re-entries to the practice of law.

Convocation's Working Group on Challenges Faced by Racialized Licensees established its Terms of Reference in the fall. The group will identify the unique challenges faced by racialized lawyers and paralegals and develop preventive and proactive strategies to address those challenges.

Fourteen professional career coaches have been appointed across Ontario to provide services for the Law Society's Career Coaching Program, launched in April 2012. Designed for women lawyers in sole practice and firms of five lawyers or fewer, the program offers up to six hours of confidential career coaching, free of charge, to help plan and transition effectively into a maternity, parental or compassionate care leave and return to practice.

In November, Convocation approved a motion to extend the Parental Leave Assistance Program (PLAP) and institute a means test. The extension will permit consultation with the profession so as to further study and evaluate the program. During the extension, the Equity Committee will continue to explore options to reduce the financial hardship faced by lawyers in sole and small firms during parental leaves.

Priority 4: Tribunal issues

In 2012, Convocation approved enhancements to the Law Society's adjudicative model, as well as new Appeal Panel Rules of Practice and Procedure that support the Law Society's commitment to a hearings process that is transparent, fair and effective for both the public and affected licensees. The model includes the establishment of a full-time, non-bench lawyer Tribunal Chair. The chair will be supported by two part-time vice-chairs who are elected benchers. Other enhancements under the approved model include the appointment of additional non-bench adjudicators to the Hearing Panel and appointment and evaluation criteria for adjudicators. The new model will be evaluated in the third year of the new chair's first term. At the beginning of the year, Convocation had approved an increase in the number of non-bench lawyer appointments to the Hearing Panel from four to six.

Priority 5: Business structures/law firm financing

The Law Society created an Alternative Business Structures (ABS) Working Group in 2012 to explore alternative ways of providing legal services, potential new financing arrangements and the possible regulatory challenges that may arise. The group is closely examining trends, such as globalization, technology and the pressure to reduce the cost of legal services, as well as observing developments in other jurisdictions that may impact the Canadian legal marketplace.

Priority 6: Professional regulation

As the regulator of more than 44,000 lawyers and 4,900 paralegals, the Law Society's regulatory activities remain focused on protecting the public, balanced with treating both parties to a complaint fairly. In 2012, we took steps to improve our discipline system and increase its efficiency, and also continued to devote significant resources to serious regulatory issues.

While we saw a marginal decrease in the number of mortgage fraud complaints from 2011, the Professional Regulation Division reduced significantly the number of cases under active investigation through closure or referral into discipline. Mortgage fraud cases take longer to investigate due to the number of transactions involved, the volume of factual information and the complexity of the issues. The Law Society continues to focus on reducing the length of time it takes to complete all stages of an investigation.

In addition to responding to complaints, the Law Society took steps to clarify the ethical obligations of all lawyers by making changes to the rules of conduct that are often at issue in mortgage fraud cases — clarifying the requirement that a lawyer be on guard against being used to facilitate dishonesty, fraud, crime or illegal conduct and directing lawyers' attention to red flags of mortgage fraud.

The Law Society continues to be a key participant in the National Discipline Standards Project, an initiative of the Federation of Law Societies of Canada to develop meaningful national performance standards for all Canadian law societies. In 2012, we issued a call for input from the profession on proposed amendments to the lawyers' *Rules of Professional Conduct*, arising from the implementation of the Federation of Law Societies' *Model Code of Professional Conduct*. Law societies across Canada are implementing the Federation's model code to harmonize rules of conduct in support of national mobility.

The Law Society also continued to develop a mentoring program for lawyers and paralegals who are the subject of a complaint. The program diverts the complaint from the investigation stream and is used in the early stages of a complaint where remediation is likely to lead to a positive outcome. Mentors are

volunteers who agree to meet with the licensee to discuss issues raised by the complaint.

In November 2012, the Ministry of the Attorney General released an independent review of paralegal regulation, undertaken by David J. Morris, a professional writer, communicator, and strategist. The report described paralegal regulation by the Law Society as an "unqualified success." Many of Morris's recommendations for the future support the strategic direction already undertaken by the Law Society.

Effective communications and outreach

The Communications Department commissioned both qualitative and quantitative research to better understand the profession's communications needs in regard to the Law Society. The research supported the increased use of digital channels of communications, including selected social media. In 2012, the Law Society launched an electronic version of the *Ontario Lawyers Gazette* renamed the *Gazette*, and advanced the organization's strategic use of social media in order to provide enhanced content and services online. We strengthened our presence on Facebook and especially Twitter to make social media an active part of our day-to-day engagement with the profession and the public.

Governance effectiveness

In April 2012, Convocation approved a work plan to achieve the priorities it established in December 2011, for the 2011 – 2015 bench term, taking into account the progress the Law Society made against the priorities set by the previous Bench, budgetary considerations and consultation with staff involved in the implementation of the plan. In October, the Treasurer announced the creation of a Governance Working Group of the Priority Planning Committee, which is looking at a number of issues related to governance effectiveness.

Looking ahead...

Over the next two years we will continue to make refinements to our operations and develop a long-term financial plan to ensure operational sustainability and ongoing support of the Law Society's core functions and the priorities of Convocation. The end goal is to be a more agile organization that is well-equipped to meet the challenges of a changing legal profession.

In reflecting on the achievements of the past year, I would like to thank the highly capable staff who serve the Law Society of Upper Canada with a dedication and professionalism that is unsurpassed. I am also grateful for the support and leadership that members of Convocation and our new Treasurer continually offer to me and the organization as we strive for greater accountability, co-operation and service orientation in the implementation of our strategic and operational priorities. It is indeed an exciting time for Canada's largest law society. I look forward to working with all of you as we leverage the changes transforming the legal profession to drive greater access to justice for the people of Ontario.



Robert G.W. Lapper, Q.C.
Chief Executive Officer

GEOGRAPHICAL DISTRIBUTION OF LAWYERS IN GOOD STANDING

Metropolitan Toronto	49%
Ontario (excluding Metro Toronto)	42%
Canada (excluding Ontario)	5%
Outside Canada	4%

Data as of December 31, 2012

GEOGRAPHICAL DISTRIBUTION OF PARALEGALS IN GOOD STANDING

Metropolitan Toronto	38%
Ontario (excluding Metro Toronto)	61%
Canada (excluding Ontario)	*1%
Outside Canada	*1%

Data as of December 31, 2012

*1 Represents a % less than one

LAWYERS BY AREA OF EMPLOYMENT IN ONTARIO

Sole Practitioner	23%
Partner	19%
Employee	4%
Associate	18%
Education	1%
Government	15%
Other	19%

Data as of December 31, 2012

PARALEGALS BY AREA OF EMPLOYMENT IN ONTARIO

Sole Practitioner	30%
Partner	3%
Employee	17%
Associate	4%
Education	1%
Government	6%
Other	39%

Data as of December 31, 2012

LAWYERS BY AGE AND GENDER

	Total	M	%	F	%
Under Age 30	2,907	1,190	3%	1,717	4%
Age 30 – 39	11,490	5,386	12%	6,104	14%
Age 40 – 49	10,985	5,924	13%	5,061	11%
Age 50 – 65	14,007	9,536	21%	4,471	10%
Over Age 65	5,253	4,765	11%	488	1%
Total	44,642	26,801	60%	17,841	40%

Data as of December 31, 2012

PARALEGALS BY AGE AND GENDER

	Total	M	%	F	%
Under Age 30	1,282	289	6%	993	20%
Age 30 – 39	1,029	378	8%	651	13%
Age 40 – 49	1,157	537	11%	620	13%
Age 50 – 65	1,264	770	16%	494	10%
Over Age 65	171	153	3%	18	0%
Total	4,903	2,127	43%	2,776	57%

Data as of December 31, 2012

SIZE OF LAW FIRM

Firm Size	Number of Firms	% of Total	Licensee Count	% of Total
1	8,578	77%	8,578	34%
2 – 10	2,275	21%	7,644	30%
11 – 25	152	1%	2,396	9%
26 – 50	45	*1%	1,518	6%
51+	37	*1%	5,403	21%
Total	11,087	100%	25,539	100%

Data as of December 31, 2012

(Includes primary and secondary businesses)

*1 Represents a % less than one

SIZE OF PARALEGAL FIRM

Firm Size	Number of Firms	% of Total	Licensee Count	% of Total
1	1,291	85%	1,291	67%
2	148	10%	296	15%
3	31	2%	93	5%
4	22	1%	88	5%
5	4	*1%	20	1%
6 – 10	10	1%	68	4%
11 – 15	3	*1%	42	2%
16 – 20	2	*1%	33	2%
Total	1,511	100%	1,931	100%

Data as of December 31, 2012 (Includes primary and secondary businesses)

*1 Represents a % less than one

Percentages may not add to 100% due to rounding.

Policies to advance our mandate

The Policy and Tribunals Department provides support to benchers in their policy-making role, acting as secretaries to Convocation's standing committees, task forces and working groups. The department also oversees the efficient administration of Law Society Tribunals.

Policy development

Counsel in the Policy Department play a key role in supporting Convocation's policy setting processes. Depending on the nature of the policy under development, Policy Counsel may:

- Research the history of the policy and related policies
- Determine how other law societies and professional regulators in Canada and internationally have dealt with the issue
- Consult with stakeholders, including the profession, legal organizations and government.

Policy Counsel also draft submissions to government and other bodies in response to proposals. In addition, they review current bills and regulatory proposals and, if relevant, bring them to the attention of the appropriate committee and Convocation for response.

Regulation of the profession

A large part of Policy's work in 2012 related to the regulation of lawyers and paralegals, including:

- Continuing consultations on civil process issues following rule of conduct amendments respecting limited scope retainers, or the "unbundling" of legal services
- Undertaking a call for input within the review of the Federation of Law Societies of Canada's Model Code of Professional Conduct and proposed amendments to the Law Society's rules of conduct
- Completing a report on issues relating to costs and costs awards in the disciplinary process
- Continuing development of required adjudicator education programming
- Revising and updating the Adjudicator Code of Conduct
- Completing the policy report on reforms to the Tribunals Hearings Process and commencing the implementation phase
- Finalizing new Appeal Rules for Convocation's consideration
- Managing recruitment of new non-licensee adjudicators
- Completing the final report of the Articling Task Force
- Supporting the working group on alternative business structures for the delivery of legal services
- Continuing work on projects respecting the history of the legal profession and documenting historical discipline data.

Five-year review of paralegal regulation

Policy played a lead role in the mandated five-year review of paralegal regulation, which included researching and preparing a comprehensive Law Society report and engaging with the independent reviewer appointed by the Attorney General.

The Law Society's report, delivered to the Attorney General in June, was followed by the release of the report of the independent reviewer in November. Both reports reflected the successful implementation of paralegal regulation by the Law Society, with the independent reviewer describing it as an 'unqualified success'. Policy has since begun work on the recommendations arising from the review, including certain governance reforms and a review of the exemptions from paralegal licensing.

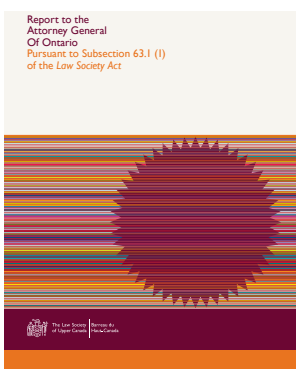
Other work of the department in 2012 includes implementing the new paralegal achievement award and reviewing the results of the Legal Needs Analysis, which included an examination of issues relating to the paralegal scope of practice.



Celebration on June 28 to mark presentation of five-year review of paralegal regulation to the Attorney General of Ontario



First-ever Distinguished Paralegal Award recipient Brian Lawrie



Governance and Convocation

The Director of Policy and Tribunals assisted Convocation's Priority Planning Committee in preparing a work plan based on the priorities set for the 2011-2015 bench term. The work plan was adopted by Convocation in April 2012. The Director also led a review of issues relating to the bench election process and provided support to the Priority Planning Committee's Governance Working Group.

In 2012, Policy, together with Information Systems, completed the implementation of paperless meetings for Convocation and its standing committees in which materials are accessed on a secure site using iPad technology.

The department also completed work on a new mandate for a combined Audit and Finance Committee.

Federation of Law Societies of Canada

Staff in Policy and Tribunals actively support the work of the Federation of Law Societies of Canada, which in 2012 included the following initiatives:

- National competency profile implementation
- The Standing Committee on the Model Code of Professional Conduct
- The Federation Implementation Committee on the Approved Common Law Degree
- The National Discipline Standards Project.

Policy staff also assisted in planning national conferences and prepared responses to new legislation on various subjects and to the amendments to regulations under anti-money laundering legislation.

The Tribunals Office

The Tribunals Office is responsible for the efficient, accurate and procedurally fair administration of the Law Society's tribunals — the Hearing and Appeal Panels. This includes the provision of support to the chairs of the Hearing and Appeal Panels and other adjudicators, scheduling and clerking of hearings, preparation and review of tribunal orders and reasons, distribution and publication of these orders and reasons, cataloguing and safekeeping of all tribunal file materials and dealing with inquiries for file materials from the public and media.

In 2012, the Tribunals Office opened 137 new files, a slight 9 per cent decrease from the 151 new files opened in 2011. Hearing and Appeal Panels considered 194 files, comparable to the 196 files considered in 2011. Tribunal activity remained high in 2012 with proceeding management conferences, hearings, appeal management conferences and appeals being scheduled on 241 out of a possible 249 days, or on 97 per cent of available calendar days.

The practice direction on adjournment requests, which was implemented in 2011, appears to have helped reduce the number of requests for adjournment. In 2012, 71 adjournment requests were made to hearing panels compared to 109 requests in 2011, a 35 per cent decrease.

Also in 2012, three bilingual lawyer adjudicators were appointed to the Hearing Panel to augment the complement of French-speaking Hearing Panel members, and formal adjudicator education sessions were held with the assistance of the Society of Ontario Adjudicators and Regulators.



Building relationships with our stakeholders

The Public Affairs Department builds and sustains effective relationships with a broad base of stakeholders and governments. These relationships are integral to navigating today's changing profession and the complex regulatory, political, fiscal and business environments that may affect the Law Society's priorities and objectives. The department's stakeholder relationships and outreach also enhance the Law Society's reputation and relevance generally and ensure its voice is heard on important public policy issues affecting the justice sector.



Presentation of five-year review of paralegal regulation to the Attorney General of Ontario. Left to right: Law Society Treasurer Thomas G. Conway, Law Society Paralegal Standing Committee Chair Cathy Corsetti, and Attorney General John Gerretsen.

Public Affairs Strategic Vision

During its first full year as a department, Public Affairs developed a strategic vision, based on input from internal and external stakeholders. From that vision emerges a strategic plan which focuses on the department's core functions as they relate to stakeholder and government relations:

- Ongoing cultivation of relationships, including outreach and events coordination
- Managing critical and emerging issues
- Informing policy development and strategic planning.

Cultivating Relationships

Relationships built and maintained with stakeholders and government enable the Law Society to effectively engage in its policy development processes and to respond quickly and appropriately to emerging or critical issues. Strong relationships enhance the Law Society's ability to identify and meet its priorities and objectives. Strong stakeholder relations are founded on transparency and information sharing — central tenets of the work of the Public Affairs Department. During the past year, the department's work to cultivate relationships has included:

- Launching the Treasurer's Regional Meetings — Treasurer Conway began hosting a dinner in each of the eight provincial regions. These dinners provide an opportunity for information exchange about current issues of interest among the local Bar and paralegals, regional benchers, representatives from major legal organizations and Law Society staff.
- Facilitating the Treasurer's Liaison Group — The group continues to meet regularly, providing another opportunity to share information and gather feedback on Law Society activities.
- Co-ordinating various outreach activities and events — Activities include the 3rd annual Articling & Beyond Symposium, the 35th Anniversary Celebration of the Unified Family Court, and succession planning workshops for law associations, among others.

The outreach functions of the department have become increasingly demanding and complex. Strategic supports have been developed to ensure outreach opportunities are realized and effective, including a master events calendar, management tools and the establishment of an internal Outreach Team to ensure cross-departmental coordination and consistency in outreach functions.

Public Affairs also continues to direct the Law Society's government relations, and is the primary point of contact and liaison with all governments. The department is active anticipating, monitoring and addressing government initiatives that may affect any part of the Law Society's mandate and makes representations

to governments with regard to their policy and legislative agendas that are of relevance to the regulation of lawyers and paralegals. This past year saw a particular focus on:

- Enhancing the Law Society's presence in the federal government arena
- Liaising with the provincial government on the progress of paralegal regulation, including the completion of the five-year review
- Working with the provincial government to implement enhancements to Law Society Tribunals
- Managing the process for the Law Society's recommended appointments to external organizations
- Monitoring government initiatives such as "Justice on Target" or the *Fair Access to Regulated Professions Act* and the related Office of the Fairness Commissioner.

Issues Management

The Law Society is able to respond to and manage critical and emerging issues effectively and appropriately as a result of the leadership provided by Public Affairs and the relationships it has cultivated with key stakeholders and government. Working closely with the Office of the Treasurer, the CEO, Policy, Communications and other Law Society departments, Public Affairs researches and provides strategic advice and support to ensure Law Society positions are clear and consistent. In 2012, the department was active in managing issues such as:

- Access to justice, particularly in the area of family law
- Sustainability of legal aid
- Intersecting and emerging real estate practice issues.

Informing Policy Development

Public Affairs is also engaged in the Law Society's policy development processes, ensuring stakeholder and government interests and feedback are considered, as appropriate. The department has begun the development of a corporate approach to stakeholder consultation to enable the Law Society to take a deliberate and consistent approach to consultations that aid in policy development and decision-making.

The department may also take a lead role in coordinating and facilitating stakeholder engagement for policy development. This past year, for example, the department assumed a leadership role in facilitating the Treasurer's Advisory Group on Access to Justice, through co-ordination as well as substantive advice and support. The initiative was established to assist the Treasurer in realizing his priority for the Law Society to assume an enhanced role with regard to access to justice issues.

Assuring competence and quality

The mandate of the Law Society is to ensure that Ontario lawyers and paralegals meet high standards of learning, competence and professional conduct. The Professional Development and Competence Department achieves this through a two-pronged approach: quality assurance programs and quality improvement activities. Quality assurance programs focus on ensuring compliance with established standards, while quality improvement activities involve developing tools to facilitate improved practices.



Lawyer Licensing Process

The licensing process for lawyers is comprised of two separate licensing examinations (barrister and solicitor), a 10-month articling term, an online Professional Responsibility and Practice Course, and requirements for good character. In 2012, 1,875 lawyers were called to the Bar of Ontario.

CANDIDATES CALLED TO THE BAR IN 2012

Women	963
Men	912
Total	1,875

Professional Responsibility and Practice Course

The Professional Responsibility and Practice Course is designed to enhance the training and mentorship that candidates receive during articles by expanding their knowledge of lawyers' duties, tasks and challenges, and by providing them with an approach for analyzing common ethical and practice dilemmas. In 2012, 1,648 articling candidates completed the online course.

Professional Conduct and Practice Course for Internationally Trained Lawyers

The Law Society continues to provide a three-day mandatory course for internationally trained common law candidates granted an exemption from articles based on experience (more than 10 months of practice). The Professional Conduct and Practice Course provides instruction on professional responsibility and practice management topics in an Ontario context using lectures, panel presentations and round table discussions. The course was delivered to 54 candidates in May 2012 and 53 candidates in December 2012. Since the inception of the three-day Professional Conduct and Practice Course in 2009, 339 internationally trained common law candidates have been granted an exemption from articles.

Paralegal Licensing Process

Candidates for paralegal licensing are required to complete a diploma or certification from a community or private college through a paralegal program that is accredited by the Law Society. The requirements for certification include a 120-hour field placement. Once in the Licensing Process, paralegal candidates write a licensing examination and meet the requirements for good character. In 2012, 1,048 paralegals were licensed, including 123 candidates from the Exempted Group and Collection Agent Integration Licensing Process.

CANDIDATES ISSUED A PARALEGAL LICENCE IN 2012

Women	698
Men	350
Total	1,048

Exempted Group and Collection Agent Integration Licensing Process

In 2010, the Law Society approved an additional group of potential paralegal licensing candidates for entry into the licensing process. Exempted Group members who registered for the Integration Licensing Process were required to fulfil all good character requirements and successfully pass the paralegal licensing examination. In addition, candidates were required to complete an online Professional Conduct and Advocacy Course, which consisted of presentations, readings, exercises, demonstrations, vignettes and practice tips from legal professionals in relation to substantive, procedural and ethical issues that arise within a paralegal's scope of practice. A total of 315 candidates were registered into this process in 2012 and 123 were licensed.

Paralegal College Program Accreditation

As of the end of 2012, the Law Society has accredited a total of 26 paralegal education programs at 38 campus locations throughout the province, based on specified criteria related to curriculum, instructional and assessment methods, and overall program infrastructure. Through the college audit process, the Law Society verifies alignment of paralegal education programs with the accreditation criteria. Three paralegal programs were audited in 2012.

In October 2012, the Law Society approved an expansion of the paralegal licensing examination to reflect the substantive competencies embedded in the paralegal college accreditation criteria. The move from an ethics and professional responsibility based examination to a comprehensive examination that addresses major subject areas within a paralegal's scope of practice will ensure the competence of newly licensed

paralegals and strengthen the Law Society's quality assurance mandate. It is expected that the paralegal substantive licensing examination will be in place by August 2015.

Continuing Professional Development (CPD)

The CPD requirement has been in place since January 1, 2011. Lawyers and paralegals are required to complete, in each calendar year, 12 hours of continuing professional development in eligible activities. Experienced members are required to complete a minimum of three Professionalism Hours and up to nine Substantive Hours. Only content related to ethics, professional responsibility and/or practice management must be accredited by the Law Society and is eligible for Professionalism Hours. Substantive Hours need not be accredited by the Law Society.

New members in their first two full calendar years of practising law or providing legal services have the same CPD requirement as experienced members, but must ensure that all programs and activities include a minimum of 0.5 Professionalism Hours.

The list of eligible activities is flexible and allows lawyers and paralegals to obtain CPD Hours through a variety of methods, including, but not limited to, attendance at CPD programs in person or via webcast, teaching, writing, mentoring, acting as an articling principal or field

placement supervisor, and participation in study groups of two or more colleagues. In April 2012, the Law Society approved two new eligible CPD activities: viewing archived or recorded content without a colleague, or participation in asynchronous, online courses that prompt responses throughout the learning process, to a maximum of six hours per year.

The Law Society continues to receive a high volume of applications for accreditation of programs and activities for Professionalism Hours. In 2012, a total of 5,520 applications were processed.

In 2012, the Professional Development and Competence Department produced 145 CPD programs. In total, there were 83,729 registrations for live (in person and webcast) as well as for archived or "on demand" programs. Of this total, approximately 72 per cent participated via live webcast; 16.5 per cent viewed programs on demand; and 11.5 per cent attended programs in person.

Members are required to obtain three of their 12 CPD Hours by participating in eligible educational activities focusing on professionalism. To help members fulfil this requirement, Convocation approved the provision of 40 free-of-charge professionalism programs to be developed and supported by the Law Society. Of the total registrations received in 2012, approximately 55 per cent were for free programs focusing on professionalism issues.



TOP 10 PROFESSIONALISM PROGRAMS IN 2012 (FREE OF CHARGE)

	Program Name	Date	Total Number of Attendees
1	Time Mastery for Lawyers and Paralegals	June 8, 2012	3,341
2	Grammar and Proofreading Skills for Lawyers and Paralegals	January 10, 2012	3,088
3	Developing and Maintaining a Client Base as a Civil Litigator	March 28, 2012	1,671
4	Practice Check-up for Lawyers and Paralegals	October 24, 2012	1,596
5	The Civil Litigators' Guide to Protecting Against Law Society Complaints and Negligence Lawsuits	November 22, 2012	1,513
6	Disclosure Issues in Criminal Law	March 1, 2012	1,386
7	Identifying and Managing High Risk Cases in Criminal and Family Law	November 28, 2012	1,337
8	Professionalism and Practice Management for In-House Counsel	March 27, 2012	1,290
9	Professionalism and Practice Management for In-House Counsel	November 20, 2012	1,273
10	Professionalism and Practice Management for Business Lawyers	June 12, 2012	1,268

TOP 10 SUBSTANTIVE PROGRAMS IN 2012

	Program Name	Date	Total Number of Attendees
1	15 th Annual Estates and Trusts Summit	November 14 & 15, 2012	1,221
2	9 th Annual Real Estate Law Summit	April 18 & 19, 2012	1,182
3	The Six-Minute Real Estate Lawyer	November 21, 2012	1,038
4	20 th Annual Immigration Law Summit	November 26 & 27, 2012	1,029
5	6 th Annual Family Law Summit	May 10 & 11, 2012	844
6	The Six-Minute Family Law Lawyer	December 5, 2012	788
7	Taxation Issues in Real Estate Transactions	November 21, 2012	681
8	7 th Annual Solo and Small Firm Conference & Expo	May 31 & June 1, 2012	636
9	Impaired and Over 80	December 1, 2012	543
10	The Annotated Will	February 21, 2012	525

Legal information: Core Library Services

The Great Library is directly experiencing the shifts in how legal professionals access information. These changes have led to a decrease in reference questions as well as the amount of photocopying by visitors to the library. Reference staff handled just over 21,000 questions in 2012, down from 26,000 in 2011. Members can email their research or download it to USB drives, keeping information in its digital state.

Technology is enabling members to reach information more directly. The number of questions coming in electronically continues to grow, accounting for about 15 per cent of reference requests. The use of the Law Society's HeinOnline law journal subscription, available through the Great Library to every member on



their desktop, had an increased number of visits by more than 50 per cent in 2012 compared to 2011.

Quality Assurance

SPOT AUDIT PROGRAM

Spot Audit is a proactive, quality assurance program that assesses a firm's compliance with financial record keeping requirements. In 2012, approximately 1,850 audits were conducted. The majority of these audit engagements found that the firm had either minor/no books and records deficiencies (54 per cent) or deficiencies that were readily remediated to the Law Society's satisfaction (40 per cent). Lawyers selected for an audit continue to report extremely high approval ratings for both the auditors and the overall experience.

PRACTICE MANAGEMENT REVIEW PROGRAM

Practice management reviews ensure that practitioners meet competency standards, as well as identify areas for improvement in managing the lawyer's practice. Reviewers provide practical suggestions on how to maintain practice at optimal levels, leading to greater efficiencies, high quality service and greater lawyer and client satisfaction. In 2012, 551 practice management reviews were conducted. Approximately 28 per cent of initial attendances found that lawyers were not meeting standards of professional competence and required a revisit.

Over 95 per cent of lawyers selected for a practice management review responded that they found the process to be constructive and value added to managing their practice.

PARALEGAL PRACTICE AUDITS

Practice audits mirror the format of practice management reviews, with the goal of providing targeted advice to achieve effective and efficient practices. In 2012, 169 practice audits of paralegal practices were conducted. Approximately

53 per cent of initial attendances found that paralegals were not meeting standards of professional competence and a revisit was required to assess the extent of remediation. The Practice Audit Program has been well received by paralegals, with 97 per cent of those who underwent a practice audit finding it to be constructive and value added.

Practice Management Supports

PRACTICE MANAGEMENT HELPLINE

The Practice Management Helpline (the "Helpline") is a toll-free, confidential telephone service that offers Ontario lawyers and paralegals guidance and support regarding the Law Society's rules and guidelines related to professional responsibility, ethics and practice management. In 2012, the helpline fielded over 6,800 inquiries. Callers from sole and small firms make up 70 per cent of all queries.

For lawyers, the majority of calls came from practitioners who defined real estate law as their primary practice area (22 per cent), followed by civil litigation (18 per cent) and family law (15 per cent). For paralegals, most questions came from practitioners who identified small claims as their primary area of service (28 per cent), followed by provincial offences (23 per cent).

Practice Management Resources

The Law Society works in conjunction with the lawyer and paralegal professions to produce innovative and relevant practice management resources that are responsive to the needs of practitioners. In 2012, new Technology Practice Tips on topics such as cloud regulation, wireless security, Twitter, and electronic file management were added to the Law Society's collection of MP3 resources available for download. In addition, a new resource addressing remote access to Teraview was developed in response to feedback from real estate lawyers.

CERTIFIED SPECIALIST PROGRAM

The Certified Specialist Program recognizes lawyers who have met high established standards of experience and knowledge in designated areas of law and maintained exemplary standards of professional practice. There are over 750 certified specialists in Ontario across 15 different practice areas. In 2012, the Law Society developed a promotional video which highlights key aspects of the program and features Certified Specialists in family law, criminal law, intellectual property law and labour law. The video is available on the Law Society's website.



YOUR LAW: FAMILY LAW IN ONTARIO WEBSITE

The Law Society introduced the website *Your Law: Family Law in Ontario* in June 2012. The site was developed and designed by the Law Society and provides the public with preliminary information and guidance on the emotional, financial, legal and social considerations involved in family breakdown, with an emphasis on addressing the needs of self-represented and unrepresented litigants facing a family law dispute in Ontario. Content has initially focused on child custody, access and child support matters. The site has received positive feedback from the public and averages 1,600 visits per month.

Focus on continuous improvement

The achievement by the Client Service Centre (CSC) of Excellence Canada's Progressive Excellence Program Level 3 certification and Canada Award for Excellence (Silver) in 2012 were milestone events in the CSC's history, and are indicative of its commitment to continuous improvement.



The CSC uses departmental quality improvement teams and a monthly divisional scorecard to ensure that all of its processes operate efficiently and effectively, and that best practices are maintained throughout the division. Staff input into the improvement process is encouraged, and employee engagement is measured on a regular basis.

Law Society Referral Service

Examples of the CSC's commitment to excellence include the launch of the new Law Society Referral Service (LSRS) in spring 2012. The LSRS takes the best elements of the Lawyer Referral Service and adds several important features. The service now provides referrals to licensed paralegals as well as lawyers and, for the first time, gives Ontario residents the ability to request referrals through the Law Society's website. In addition, trained Legal Information Officers can offer callers information about other available resources in situations when a referral may not necessarily be the best option.

Call Centre

This area experienced a significant shift in 2012. The Lawyer Referral Service, formerly part of the Call Centre, ceased operations in 2012 to make way for the Law Society Referral Service. The new service operates as a separate department, allowing Call Centre staff to focus on serving members and the public through its three remaining call streams: the Resource Centre, Complaints Reception and General Reception lines.

Complaints Services

Complaints Services, which reviews all complaints received by the Law Society about lawyers, paralegals and persons alleged to be practising law or providing legal services without a licence, also refers complainants to other organizations and resources as appropriate when complaints are closed. The database used by staff to access this information is maintained by the Client Service Centre. Although primarily used by the LSRS and Complaints Services, the database is readily available to all Law Society staff.

Membership Services

The primary responsibility of Membership Services is the administration of the Law Society's licensee database and related functions. However, this department also provides support for Continuing Professional Development and Portal-related inquiries. In 2012, Membership Services also assisted with the organization's Electronic Content Management Project, with the creation of a new scanning project team whose goal is to convert the Law Society's member files into an electronic format.

By-Law Administration Services

By-Law Administration Services (BAS) marked its first full year of operations in 2012. BAS staff record paralegal insurance information, process administrative suspensions, and are responsible for fulfilling certain types of licensee requests. BAS is also responsible for the Lawyer and Paralegal Annual Report process, which migrated to the LSUC Portal last year. This migration is part of ongoing efforts to provide lawyers and paralegals with a secure electronic access point for the exchange of information with the Law Society, both within and outside business hours.

Administrative Compliance

This area develops and administers many of the Law Society's by-law driven applications and forms, and is responsible for administration and distribution of documents, such as wills and estates, and file disposition of closed trusteeships. Administrative Compliance experienced a 46 per cent increase in Professional Corporation authorization requests for 2012.

Other areas—Facilities Services

Although Osgoode Hall's status as a heritage building does present a number of environmental challenges, Facilities Services is committed to "going green". For example, a new waste and recycling services vendor was chosen in 2012,

which should result in significantly better sorting of recyclable material. Safety of Law Society staff and visitors will also be improved with the commencement of a project to install closed-circuit security cameras at various points throughout the building.

Corporate Resource and Training Centre

This department is an internal resource to the Law Society in the areas of continuous improvement, documentation and certain types of training. Highlights included the preparation and coordination of the CSC's successful 2012 bid for Excellence Canada certification, and production of a number of electronic training modules for the CSC and other Law Society divisions.

LSUC Portal

The 2012 Lawyer and Paralegal Annual Report filing process moved to the Portal in 2012. This process, along with the existing ability to file information and status change requests and log CPD hours, is part of a continuing plan to position the Portal as a key point of access to a wide variety of Law Society forms and services.

Curator

The Curator's office unveiled a new exhibit, "Fact or Fiction: Deciphering the Fence at Osgoode Hall" in June 2012, which received significant media attention and continues to be popular with visitors. The Curator welcomed 9,100 visitors to Osgoode Hall during the annual Doors Open Toronto event in May, and 380 visitors for summer tours, as well as conducted group tours for 250 people. Groups included Department of Justice litigators, officials from the Beijing Lawyers Association and members of the public. This area also started production of audio tours of Osgoode Hall's public areas and developed the first three videos in a series of historical gems on YouTube.

TOTAL COMPLAINTS

New Complaints Received	6,528
Reopened in Complaints Services (CSC)	102
Total	6,630

Resolved in Complaints Services (CSC)	264
Closed in Complaints Services (CSC)	1,584
Transferred to Intake (Professional Regulation)	4,782

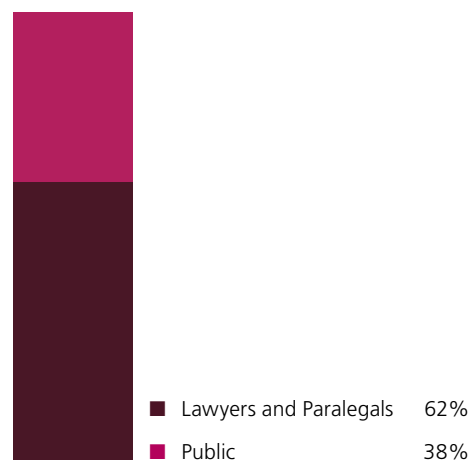
TOTAL CONTACTS

2010	2011	2012
592,206	673,794	657,146

CONTACTS OVER THE YEAR

Call Centre	198,019
Law Society Referral Service	141,593
Membership Services	122,438
By-Law Administration Services	141,463
Administrative Compliance	25,783
Complaints Services	27,850

CONTACTS* FROM



**Includes facsimiles, mail, email, in person and telephone contacts*

HOW DID MEMBERSHIP SERVICES SUPPORT MEMBERS?

General member service requests	64,503
Clarification of Members Requests	8,440
Window transactions	5,895
Phone calls	43,600

Regulating in the public interest

As part of its mandate, the Law Society is committed to protecting the public through the effective regulation of lawyers and paralegals. Effective regulation includes a complaints, investigation and discipline process that is transparent, timely and accessible. It also means that lawyers and paralegals are held to standards of behaviour that adhere to the requirements of the *Law Society Act*, as well as its regulations and by-laws, the *Paralegal Rules of Conduct* and the *Rules of Professional Conduct*.

The Law Society's Professional Regulation Division is responsible for various aspects of lawyer and paralegal regulation. The Division responds to complaints involving conduct, competency and capacity issues. Conduct-related complaints range from relatively minor service issues to more serious allegations, such as those involving the misuse of monies held in trust. The Law Society is able to resolve many complaints by working with complainants, lawyers and paralegals to address the regulatory issues. When appropriate, at the conclusion of an investigation, the case may be referred to the Hearing Panel for formal discipline prosecutions

The Complaints Process — Overview

New complaints that are within the Law Society's mandate are transferred to the Intake Department of the Professional Regulation Division. Intake identifies regulatory issues and tries to substantiate the complaint by collecting any further information. Intake has an early resolution mandate and may try to resolve the complaint at this early stage. Complaints that require further review and investigation are referred to the Complaints Resolution or Investigation departments. Complaints Resolution deals with complaints that involve less serious breaches of the *Rules of Professional Conduct* or *Paralegal Rules of Conduct*, while Investigations deals with allegations of serious lawyer or paralegal misconduct, incapacity, unauthorized practice and other issues that could result in formal proceedings.

Most cases are closed or resolved by the Intake, Complaints Resolution or Investigations departments, without formal discipline. The Director of Professional Regulation determines whether complaints require further regulatory action and may refer complaints to the Proceedings Authorization Committee (PAC). The PAC, which consists of benchers appointed by Convocation, reviews complaints and authorizes discipline proceedings. The PAC may also authorize a case closure or a remedial outcome.

Staff from the Discipline Department represent the Law Society in various types of proceedings. Matters assigned to the Discipline Department include:

- Cases involving lawyer and paralegal misconduct
- Failure to comply with regulatory obligations (including the duty to respond to a Law Society investigation)
- Incapacity
- Applications for reinstatement of suspended licences
- Applications to vary Hearing Panel orders.

COMPLAINTS INVENTORY

In 2012, the Professional Regulation Division received marginally fewer complaints than in 2011. During the year, the Division maintained a stable inventory of complaints. At the end of the year, the case inventory was slightly higher (2.6%) than at the end of 2011. This was due to case reactivations where new information required the Law Society to restart the investigations.

NEW COMPLAINTS RECEIVED BY PROFESSIONAL REGULATION IN 2012

	2011	2012
Received by Intake Department	4,867	4,782
Closed/resolved by Intake	1,836	1,799
Transferred by Intake		
To Complaints Resolution	1,800	1,839
To Investigations	1,373	1,201
To other departments	39	26
Cases completed in Complaints Resolution		
Complaints closed	1,938	1,769
Complaints transferred out	98	83
Cases completed in Investigations		
Complaints closed	1,201	1,053
Complaints transferred out	285	221

COMPLAINTS RECEIVED IN PROFESSIONAL REGULATION IN 2012 BY AREA OF LAW

Civil litigation	26%
Matrimonial/family	17%
Real estate	17%
Criminal/quasi-criminal	9%
Corporate/commercial/business	9%
Estates/wills	8%
Administrative/immigration	5%
Employment/labour	2%

COMPLAINTS RECEIVED IN PROFESSIONAL REGULATION IN 2012 BY ISSUE

	% of Total
Conflicts (Lawyer in position of conflict, business/ financial relations with client)	9
Financial (Mishandling trust accounts, misappropriation, real estate/ mortgage schemes)	9
Governance (Failure to co-operate with Law Society, unauthorized practice)	21
Integrity (Civility, counselling/behaving dishonourably)	41
Client Service Issues (Fail to account, fail to communicate, fail to serve client)	56
Special Applications (Capacity, good character)	7

Figures are greater than 100% because some files raise more than one issue

DISCIPLINE 2012

NUMBER OF MATTERS HEARD AND DISPOSED OF BY HEARING PANELS

		Lawyers	Paralegals
Conduct	Total	82	19
	Reprimand	14	1
	Suspension	48	13
	Permission to surrender licence	4	0
	Revocation of licence	14	4
	Dismissed/stayed	0	1
	Withdrawn	2	0
	Interlocutory suspension/restriction	4	1
	Capacity	5	0
	Competency	0	0
	Non-compliance	1	0
	Reinstatement	3	0
	Licensing (including readmission)	4	5
		99	25
	TOTAL	124	

DISCIPLINE ISSUES 2012

	% of Total
Conflicts (Lawyer in position of conflict, business/ financial relations with client)	10
Financial (Mishandling trust accounts, misappropriation, real estate/ mortgage schemes)	24
Governance (Failure to co-operate with Law Society, unauthorized practice)	43
Integrity (Civility, counselling/behaving dishonourably)	46
Client Service Issues (Fail to account, fail to communicate, fail to serve client)	44
Special Applications (Capacity, good character)	5

Figures are greater than 100% because some files raise more than one issue

2012 COMPLAINT TRENDS

- Complaints about lawyers decreased by 2.6 per cent.
- Complaints about licensed paralegals decreased by 2.8 per cent.
- Complaints alleging unauthorized practice by non-licensees remained the same as in 2011 (256 in 2012; 255 in 2011).

PARALEGAL REGULATION

In 2008, the Law Society licensed the first group of paralegals in Ontario. As with lawyers, paralegals are regulated in the public interest, and are required to comply with the *Law Society Act*, its regulations, by-laws and the *Paralegal Rules of Conduct*. The Professional Regulation Division responds to complaints about licensed paralegals.

In 2012, the number of new complaints against licensed paralegals decreased by 2.8 per cent over 2011.

LICENSED PARALEGAL NEW COMPLAINTS

	2011	2012
Received by Professional Regulation Intake	494	480
Closed/resolved by Intake	131	138
Transferred by Intake	376	344
To Complaints Resolution	140	160
To Investigations	236	187
Cases completed by Complaints Resolution	167	154
Cases completed by Investigations	217	206

UNAUTHORIZED PRACTICE OF LAW/PROVISION OF LEGAL SERVICES

The *Law Society Act* prohibits individuals who are neither licensed as lawyers nor as paralegals from practising law and from providing legal services directly to the public. Historically, the Law Society has received a range of complaints about illegal practitioners—from allegations about the advertisement of legal services, to more serious cases involving representation before courts or in tribunals by persons without a licence.

Following the initial licensing of paralegals in 2008, the Law Society experienced a significant increase in complaints of unauthorized practice. This increase has now moderated and the intake of these complaints in 2012 at 256 cases is almost identical to that in 2011; 255 complaints.

UNAUTHORIZED PRACTICE 2012

New files opened	256
Closed in Intake	86
Transferred for Investigation (to Complaints Resolution or Investigations)	182
Investigation completed	186
No evidence of unauthorized practice	50%
Discontinued	23%
Evidence of unauthorized practice	26%

RESPONDING TO MORTGAGE FRAUD

The Law Society continues to investigate and prosecute those accused of mortgage fraud.

The number of incoming complaints about mortgage fraud in 2012 averaged four new lawyers per month. In 2012, new mortgage fraud investigations were opened against 52 lawyers. During the year, 56 investigations were completed—15 of which proceeded to prosecution.

At the end of 2012, 46 mortgage fraud prosecutions were underway. Hearing Panels concluded 17 hearings of mortgage fraud matters with findings of professional misconduct made in each. In 13 of the 17 hearings, panels ordered that the lawyer's right to practice law be suspended. In three of the hearings, panels ordered that the licensee be permitted to surrender his/her licence. In one hearing, the panel ordered that the lawyer's licence be revoked. Since 2001, the Law Society has completed 86 mortgage fraud prosecutions.

In addition to responding to complaints, the Law Society has taken steps to clarify the ethical obligations of all lawyers by making changes to the rules of conduct that are often at issue in mortgage fraud cases. Rule 2.02(5) of the *Rules of Professional Conduct* was amended to clarify the requirement that a lawyer be on guard against being used to facilitate dishonesty, fraud, crime or illegal conduct. The related commentary to Rule 2.02(5) was also amended to direct lawyers' attention to red flags of mortgage fraud. Rule 3.02(3) and (4) of the *Paralegal Rules of Conduct* was amended in a similar fashion.

INTERLOCUTORY SUSPENSIONS

During the course of an investigation or prosecution, the Law Society takes steps to protect the public when evidence reveals ongoing risk of harm. In such circumstances, a motion for an interlocutory suspension can be brought before a Hearing Panel to obtain an order suspending the licensee until the investigation and/or prosecution is completed. In 2012, five motions seeking an interlocutory suspension of the lawyer's or paralegal's licence were brought before Hearing Panels. The lawyer's or paralegal's licence was suspended pending the conclusion of the hearing in three instances and was restricted in another. In one instance, while ordering an interim suspension of the lawyer's licence, the hearing of the motion was adjourned *sine die*.

The following table sets out the Law Society's experience with interlocutory motions since 2007.

INTERLOCUTORY MOTIONS FOR RESTRICTION OR SUSPENSION

Year	Number of Motions Heard
2007	2
2008	5
2009	7
2010	12
2011	7
2012	5

APPEALS

The Law Society has noted an increase in the volume of appeals from decisions of the Hearing Panel. These cases include appeals by lawyers from decisions concerning misconduct, as well as appeals from decisions concerning the licensing of paralegals in the grandparent process.

APPEALS INITIATED IN LAW SOCIETY APPEAL PANEL

Year	# Appeals re Lawyers	# Appeals re Paralegals	Total # Appeals
2007	11	0	11
2008	14	0	14
2009	14	5	19
2010	15	12 (all Paralegal applicants)	27
2011	16	2	18
2012	17	6	23

APPEALS INITIATED IN THE COURTS

Year	Divisional Court	Court of Appeal
2007	3	0
2008	8	3 (leave motions)
2009	1	3 (leave motions); 2 (appeals on merits)
2010	3 appeals; 2 judicial reviews	4 (leave motions)
2011	6 appeals; 2 judicial reviews	2 (leave motions)
2012	4 appeals; 5 judicial reviews	2 (leave motions)

COST RECOVERY

Professional Regulation recovers costs and fees owing to the Law Society. In 2012, the Monitoring & Enforcement Department collected more than \$655,000, including about \$500,000 in costs, \$7,500 in court-ordered costs and more than \$147,000 in Compensation Fund recoveries. The Trustee Services Department collected \$513,300 in 2012, consisting of \$226,700 in Trusteeship costs recovered and \$286,600 in court-ordered payments to the Compensation Fund.

RESPONDING TO LAWYER AND PARALEGAL INCAPACITY

Professional Regulation is required to respond to a variety of lawyer and paralegal health and substance abuse issues. In 2012, a staff training plan and additional processes for effective regulatory response where there are issues of mental or physical illness, or addiction, were implemented. This included the development of standard formats for obtaining medical opinions as to a lawyer's or paralegal's ability to practice, and the creation of a roster of medical experts to assist staff in identifying the appropriate experts.

MENTORING

In 2012, Professional Regulation continued to develop a program for diversion in the early stages of a complaint where remediation is likely to lead to a positive outcome. Through the new program, lawyers and paralegals may be referred to mentoring. This step diverts the complaint from the investigation stream. Mentors are volunteers who agree to meet with the licensee to discuss the issues raised by the complaint. The licensee's agreement is required for this process. Although the numbers of such diversions in 2012 were few, the results have been encouraging based on the responses of those participating.

Other Professional Regulation Activities

COMPLAINTS REVIEW

The Complaints Resolution Commissioner (CRC) reviews cases that are closed by staff upon completion of an investigation where the complainant is dissatisfied with the manner in which the case was handled. The CRC conducts a review of the investigation and the decision to close the case, to determine whether the decision of the Law Society was reasonable. Typically this review involves a personal meeting with the complainant. The CRC may refer a matter back to the Director of Professional Regulation with recommended further action.

REQUESTS FOR REVIEWS AND REVIEW MEETINGS HELD

	2011	2012
Requests for reviews	238	262
Cases reviewed	248	242
Decisions rendered	260	242
Recommendation for case to remain closed	248 (95%)	224 (93%)
Recommendation for further regulatory action	12 (5%)	9 (3.5%)
Other Recommendation	0	9 (3.5%)
Director's response to 9 files referred back for further investigation		
Adopted CRC recommendation	8 (67%)	5 (56%)
Declined CRC recommendation	4 (33%)	4 (44%)

MONITORING & ENFORCEMENT

The Monitoring & Enforcement Department is responsible for ensuring compliance with orders and undertakings obtained by the Law Society in the course of its regulatory activities. This includes enforcement of licence suspension and revocation, as well as the collection of costs orders. The department has been responsible since May 1, 2009, for responding to inquiries from the public concerning regulatory matters.

NEW MATTERS IN MONITORING & ENFORCEMENT AND INVENTORY AT YEAR END

	2011		2012	
	New cases	Inventory at year end	New cases	Inventory at year end
Enforcement	41	24	29	10
Bankruptcies	28	109	29	109
Orders	159	374	174	399
Restitution & Judgments	7	53	13	30
Undertakings	53	339	42	311
Orders & Undertakings in Abeyance		557		660
TOTAL	288	1,456	288	1,519

REGULATORY INQUIRIES RESPONDED TO BY MONITORING & ENFORCEMENT

Type of Inquiry		Totals for 2011	Totals for 2012
Email	Number	2,643	3,474
	Licensees	3,755	4,148
Telephone	Number	1,097	918
	Licensees	1,211	970
Total Inquiries	Number	3,740	4,392
	Licensees	4,966	5,118

TRUSTEE SERVICES

Under Section 49.47 of the *Law Society Act*, the Law Society may seek a trusteeship where a lawyer or paralegal has abandoned their practice, has had their licence revoked or has otherwise ceased to practise or provide legal services. The purpose of the trusteeship is to protect client property and interests, and to ensure that ongoing client matters receive the necessary attention. Once the Law Society obtains a voluntary trusteeship or trusteeship order from the Superior Court, the Trustee Services Department takes effective control over client matters related to the professional business. A significant part of the work of Trustee Services staff is to respond to specific client-related requests, such as the return of a file or responding to information concerning a professional business in trusteeship.

TRUSTEESHIPS AND CLIENT REQUESTS

	2011	2012
Trusteeships obtained under the <i>Law Society Act</i>	11	20
Trusteeships obtained by negotiated agreement	6	6
Cases in which guidance and information provided on how to wind up a lawyer's law practice	36	33
Client requests received	1,792	1,778
Client requests closed	1,595	1,712

UNCLAIMED TRUST FUNDS SERVICES

The Law Society has a program (required under the *Law Society Act*) that enables lawyers and paralegals to submit to the Law Society unclaimed trust funds that they have held for at least two years. Members of the public who believe they are entitled to these funds are able to make claims for these funds. Names of those entitled are published from time to time in the *Ontario Gazette*.

UNCLAIMED TRUST FUND – 2012

Applications received	345
Approved	277
Denied	125
Pending	38
Total received	\$411,498
Claims paid (2)	\$1,090

COMPENSATION FUND

For more than 50 years, the Compensation Fund has compensated members of the public who have suffered a financial loss through the dishonesty of a lawyer or paralegal. Clients can apply to the Fund for reimbursement of lost money or property.

Pursuant to the general guidelines for the determination of grants, the Fund can be used to reimburse individuals for up to a maximum of \$150,000 (for lawyers) and \$10,000 (for paralegals).

COMPENSATION FUND – 2012

New claims/ applications received	120 claims against lawyers	27 claims against paralegals
Total grants paid	\$1,938,777 on 72 claims against lawyers	\$32,280 on 26 claims against paralegals

Promoting equity and diversity

The Law Society is committed to promoting equality, diversity and access to justice and has established a strong infrastructure to develop initiatives and programs that promote a diverse legal profession.

Justicia and the Retention of Women Lawyers

The implementation of the recommendations in the *Retention of Women in Private Practice Report* continued to be a priority in 2012.

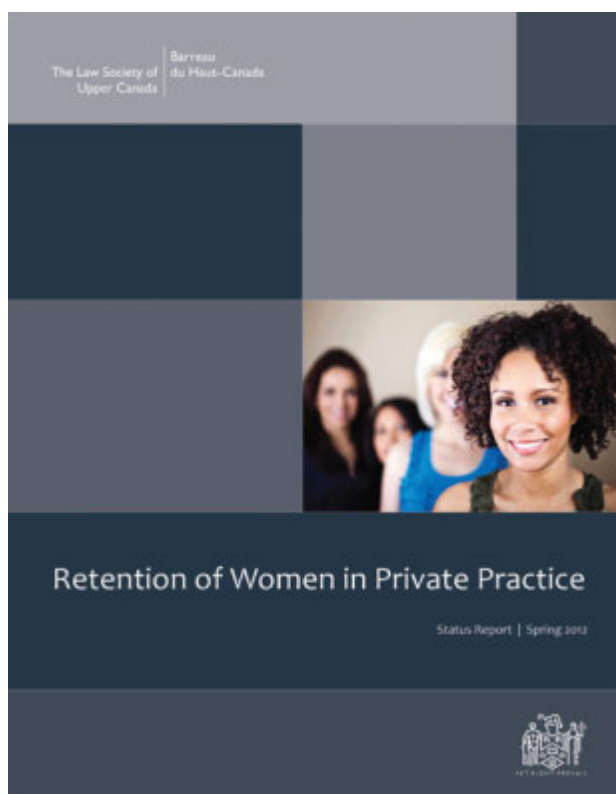
Participation of more than 55 law firms in the Justicia Project demonstrates the profession's strong commitment to the adoption of programs to retain women in private practice. Since the Justicia Project launched in 2008, participants have worked with the Law Society to create resources for firms, such as guides to developing policies for parental and maternity leaves and flexible work arrangements, a profitability template to calculate the financial impact of flexible work arrangements on law firms, a guide to assist law firms in gathering gender demographic data, and guides on career advancement into partnership.

The most recent guides are the *Justicia Guide to Women's Leadership in Law Firms* and *A Guide to Business Development for Women Lawyers*. These provide practical tips, strategies and best practices for women lawyers and law firms in the development of business and leadership skills.

The **Parental Leave Assistance Program** is now in its fourth year of implementation. This pilot program is designed to support lawyers in sole practices and partners in small firms of five lawyers or fewer to maintain their practices after the birth or adoption of a child. Under the program, the Law Society provides a fixed sum of \$750 a week to eligible applicants for up to 12 weeks. Since the program's inception in March 2009 and up to the end of 2012, 217 applications from both men and women were approved.

The **Contract Lawyers' Registry** is a list of lawyers from across the province who are available to work on a contract basis. It provides valuable support, particularly for sole and small firm practitioners who may require additional assistance on a short-term or contract basis. The number of contract lawyers registered with the Contract Lawyers' Registry increased in 2012 to approximately 155. Since the inception of the program, 436 profiles have been requested. In 2012, 79 profiles were requested.

The Law Society also continued to maintain its **Women's Online Resource Centre (WORC)** in 2012. WORC provides quick access to a host of invaluable resources for women in the legal profession. As well, the Law Society hosted a number of workshops and networking opportunities for women lawyers, in



partnership with women's organizations, such as the Women's Law Association of Ontario, the Feminist Legal Analysis Section of the Ontario Bar Association and the Women's Legal Education and Action Fund.

In April 2012, the Law Society launched its **Career Coaching Program**. Designed for women lawyers in sole practice and firms of five lawyers or fewer, the program offers eligible participants up to six hours of confidential career coaching, free of charge, to help them plan and transition effectively into a maternity, parental or compassionate care leave and return to practice. Fourteen professional career coaches have been appointed across Ontario to provide services in French and English.

Change of Status Survey

In 2012, the Law Society continued a voluntary Change of Status Survey with lawyers who change their primary businesses or status in the legal profession. The survey identifies trends and compiles information relating to reasons for movement in the profession. Results from the 2009 and 2010 surveys are available online. In 2012, a second survey was designed to study the movement of paralegals who change their primary businesses or status.

Demographic Data Collection

The Law Society approved a voluntary question in the 2009 Lawyer and Paralegal Annual Reports asking respondents to self-identify — on a confidential basis — as members of Francophone, Aboriginal or equality-seeking communities. Each year, the Law Society gathers these statistics to better understand demographic trends in the profession, to develop programs and initiatives, and to promote equality and diversity in the profession. Snapshots of the lawyer and paralegal professions are available online.

Policy Development

In 2012, the Equity and Aboriginal Committee developed and/or adopted the following guides, as part of a series offered by the Law Society to assist law firms and legal organizations in developing their own resources and practices:

- *Summary of Fair Hiring Practice Guidelines*
- *The Provision of Legal Services in Cases Involving Claims of Sexual Abuse — An Educational Guide for Lawyers and Paralegals*
- *Preventing Harassment, Discrimination and Violence in the Legal Workplace: Guide to Developing Policies for Law Firms or Legal Organizations.*

In addition, the Equity and Aboriginal Issues Committee prepared and/or made submissions to the Law Commission of Ontario (LCO) regarding the report *Framework for the Law as it Affects Persons with Disabilities*, and to the Canadian Bar Association on its consultation paper, *Measuring Diversity in Law Firms — A Critical Tool for Achieving High Performance*.



Promoting Equality and Diversity through Committees and Working Groups

The Law Society develops policies and programs to promote equality and access to justice through committees and working groups of benchers, lawyers and paralegals. Some of the active committees and working groups in 2012 are described below.

The **Equity and Aboriginal Issues Committee** develops policy options for the promotion of equality and diversity in the legal profession, as well as for all matters related to Aboriginal Peoples and the Francophone community. In 2012, the committee approved and monitored the activities described on the previous page.

The **Access to Justice Committee** develops recommendations for policy options that promote access to justice. In 2012, the committee undertook policy development activities that included:

- Support for a proposal for the *Your Law: Family Law in Ontario* online platform. The platform, which was launched in June 2012, created an online resource for the public that aggregates and organizes currently available online information and resources related to family law. The first module features resources for child custody and support.
- In April 2012, the Committee presented comments to Convocation on the Law Commission of Ontario's Interim Report, *Towards a More Efficient and Responsive Family Law System*.

In March 2012, members of the Access to Justice Committee formed a working group with the chairs of the Audit and Finance Committees to develop a policy to govern decisions of the Law Society on support and funding of external organizations. Convocation approved the policy, application form and template at its June meeting.

The **Retention of Women in Private Practice Working Group** comprises benchers and women lawyers with experience in developing programs for women in the legal profession, and more particularly, in private practice.

In 2012, the Law Society created the **Challenges Faced by Racialized Licensees Working Group** to:

- identify challenges faced by racialized licensees in different practice environments, including entry into practice and advancement;
- identify factors and practice challenges faced by racialized licensees that could increase the risk of regulatory complaints and discipline;
- consider best practices for preventive, remedial and/or support strategies;
- if appropriate, design and develop preventative, remedial, enforcement, regulatory and/or support strategies, for consideration by the Equity and Aboriginal Issues Committee and other committees as appropriate, to address the challenges described above.

The **Aboriginal Working Group** continues to work with staff on the implementation of the *Final Report of the Aboriginal Bar Consultation*. Beginning in 2010, the Lawyer Annual Report was modified to add “Aboriginal law” as a practice category. This change enables the collection of empirical data on how many lawyers practise in this area. In 2012, the Equity Initiatives Department co-ordinated two CPD-accredited public legal education programs, in addition to the Aboriginal Law Career events.

To support networking and mentoring for Aboriginal law students, Licensing candidates and newly-called lawyers, the Aboriginal Initiatives Counsel and members of the Equity and Aboriginal Issues Committee hosted events in Windsor, Ottawa and Toronto in 2012.



Human Rights Monitoring Group upholds rule of law in Myanmar | Photo: The Irrawaddy



Dr. Shirin Ebadi with interpreter and long-time friend Shirin Ershadi

The **Human Rights Monitoring Group** reviews information about worldwide human rights violations that target lawyers and judges in the performance of their professional duties, and recommends Law Society interventions. In 2012, the Law Society made over 15 interventions in support of lawyers and judges in countries such as Bahrain, China, Colombia,

Honduras, Iran, Equatorial Guinea, Haiti, Myanmar (Burma), Pakistan, Russia, Spain, Sudan, Syria, Turkey, the United Arab Emirates and Venezuela.

The Monitoring Group held a Rule of Law Education Series event by paying tribute to human rights activist and Nobel Laureate Dr. Shirin Ebadi.

The **Equity Advisory Group (EAG)**

is composed of lawyers and legal organizations that provide input on the development of policies and practices related to equality within the profession and within the Law Society. In 2012, the EAG provided comments on the following policy resources that were under development:

- *Pathways to the Profession: A Roadmap for the Reform of Lawyer Licensing in Ontario*
- *Challenges Faced by Racialized Licensees Initiative and Working Group* — provided feedback to the Equity and Aboriginal Issues Committee in identifying a course of action to address issues faced by racialized licensees. Members of the EAG continue to participate in the work of the Challenges Faced by Racialized Licensees Working Group.
- Proposed amendments to the *Rules of Professional Conduct* arising from the implementation of the Federation of Law Societies of Canada's *Model Code of Professional Conduct*.

Discrimination and Harassment Counsel Program

The **Discrimination and Harassment Counsel (DHC) Program** provides free, confidential advice, in French and English, to members of the public and the legal profession who believe they have been harassed or discriminated against by a lawyer or a paralegal. Cynthia Petersen is the DHC. Lynn Bevan and David Bennett are the two Alternate DHCs.

In 2012, 165 people contacted the DHC with new matters; 71 raised specific complaints of discrimination or harassment by a lawyer, paralegal, or law firm in Ontario. The most common grounds of complaints were: sex (41 per cent), disability (31 per cent), race (13 per cent), sexual orientation (4 per cent) and family status (4 per cent). Complaints based on the grounds of marital status, age, religion and ethnic origin were also raised.

In 2012, the DHC addressed three complaints of harassment and discrimination by paralegals. The complaints made against paralegals were based on the grounds of disability and race.

Professional Development

In 2012, professional development programs on topics such as human rights were delivered to more than 500 law students, lawyers and paralegals.

Collaborating with Communities

Collaborating organizations include: the Aboriginal Legal Services of Toronto, ARCH Disability Law Centre, the Arab Canadian Lawyers Association, Amnesty International Canada, the Association des juristes d'expression française de l'Ontario, B'nai Brith Canada, the Barbra Schlifer Commemorative Clinic, the Black Law Students' Association of Canada, the Canadian Association of Black Lawyers, the Canadian Association of South Asian Lawyers, Canadian Lawyers for International Human Rights, the City of Toronto, the Federation of Asian Canadian Lawyers, the Feminist Legal Analysis Section of the Ontario Bar Association (OBA), the Hispanic Ontario Lawyers Association, Human Rights Watch Canada, the Indigenous Bar Association, Lawyers' Rights Watch Canada, Legal Aid Ontario, the Métis Nation of Ontario, the Official Languages Committee of the OBA, Ontario Justice Education Network, Pro Bono Law Ontario, the Sexual Orientation and Gender Identity Section of the OBA, the South Asian Bar Association of Toronto, the Women's Law Association of Ontario and the Women's Legal Education and Action Fund.

Equity and Diversity Mentorship Program

The Equity and Diversity Mentorship Program matches mentors who are experienced members with new lawyers, paralegals, Licensing Process candidates and students in law school, university and

accredited paralegal programs. In 2012, 82 lawyer mentors and one paralegal mentor were registered as volunteer mentors in different areas of law and 40 mentees (paralegals, lawyers and students) were assisted by the program.

Career Symposiums for Aboriginal Students

In 2012, the Law Society organized its Aboriginal Law Career Symposium for law students. The program, which was accredited for Professionalism Hours under the Law Society's CPD program, gives Aboriginal and non-Aboriginal students from Ontario law schools an opportunity to meet with Aboriginal lawyers, judges and leaders of Ontario's legal profession to discuss issues around practising Aboriginal law, law practice management and providing legal services to Aboriginal clients. These events were held in Toronto at the Law Society, at the University of Windsor and the University of Ottawa in February and March 2012.

Equity Public Education Series

The Law Society works in partnership with a number of legal stakeholders to promote awareness and discussion among members of the public and the legal profession on the challenges and opportunities for Francophone, Aboriginal, and equality-seeking communities in law and the legal profession. Events, such as public forums and seminars, are planned throughout the year to mark dates of public significance, including Black History Month, International Women's Day, Journée internationale de la Francophonie, Holocaust Remembrance Day, National Aboriginal History Month, Asian and South Asian Heritage Month, Access Awareness Week, Pride Week and Louis Riel Day.



Equity Public Education Series 2012

Getting the message out strategically

The Law Society maintains an active communications strategy designed to make it easier for the public to find a lawyer or paralegal to help them navigate the justice system and obtain legal help.

The Communications Department delivers news and information relevant to the profession and the public in spaces where they are most active — increasingly, that is online. Many communications initiatives focus on keeping lawyers and paralegals current with changes in policy, rules and regulations and with other issues that affect Ontario's legal profession.

Strategic initiatives

Communications uses a range of activities and publications to enhance the public's understanding of the Law Society's role as an efficient, effective, and transparent regulator of the legal profession, and to raise awareness among lawyers and paralegals of the various programs and services available to them. These include the corporate website, social media, the *Ontario Reports*, electronic publications and events.

Website

Our website has become the primary channel for the Law Society's communications with the public and with lawyers and paralegals. The continued high usage of the site reinforces this. More and more member interaction is done electronically — paralegals in particular exclusively communicate with the Law Society this way. As new lawyers enter the legal profession, the Law Society is seeing a larger proportion of the membership very comfortable with the Internet and all that the web has to offer. The expectation from the regulator is to increasingly conduct transactions in the digital world.

In 2012, the Law Society's public site www.lsuc.on.ca received over four million page views from almost one million and a half visitors.

Research

In 2012, Communications concluded qualitative and quantitative research with newly-called lawyers to explore their use of Law Society communications vehicles and to solicit recommendations for improvements. The surveys focused on perceptions of the Law Society publications *Ontario Lawyers Gazette* and the *Ontario Reports*, as well as perceptions of the Law Society's website, digital newsletters and social media initiatives. The department also surveyed paralegals for their thoughts on the electronic publication *Paralegal Update*. Communications will continue to use research findings to improve how information is delivered to the profession.

Publications

The lawyer research findings guided a redesign of the print version of the *Ontario Lawyers Gazette*, now called the *Gazette*, as well as the creation of an online version of the publication. The new microsite, lawsocietygazette.ca, allows for more timely communication with lawyers and paralegals to help keep them up-to-date on rule changes, practice tips, CPD offerings and more. A selection of photo galleries add dimension to stories that have traditionally appeared in the print version. The online *Gazette* launched in April 2012, and over the rest of the year, served more than 80,000 page views to almost 25,000 visitors. More than 10 per cent of that traffic came on two days alone — the Convocation debates on articling on October 25 and November 22, 2012.

Communications continues to publish Convocation News, the e-newsletter sent to lawyers and paralegals via email the same day as each Convocation meeting.





Social Media

Communications evolved the Law Society's strategic use of social media to provide enhanced content and services online. The department used social media, particularly Twitter, to promote the new online *Gazette*, and used Twitter to drive users to new material on the public website.

In October, the first webcast of Convocation was launched featuring the Articling Task Force Report debate, including a simultaneous online discussion forum with an invited panel, and provision for comments from the public and the profession. Concurrent with the debate and the first Convocation webcast, the first Treasurer's Blog was launched on the *Gazette*.

Thanks to a vigorous digital marketing campaign, the two webcasts and online debates drew well over 1,000 comments each time. The Twitter hashtag #articling trended Canada-wide both times, and

even reached the #1 spot in Ontario during the initial debate. Both webcasts and all posted comments from each day are archived on the *Gazette* site for viewing by anyone who missed them live.

Media Relations

The media play a key role in disseminating information to the public, lawyers and paralegals. Overall, there were 361 mentions of the Law Society in print, broadcast and online media stories in 2012. A total of 277 inquiries were received from media outlets and reporters, including 35 requests for interviews. In 2012, the 10 most popular media stories about the Law Society consisted of:

1. Discipline cases
2. Articling
3. Law Society Awards
4. Convocation news (e.g., late fees, insurance rates)
5. AGM motion to change name of The Law Society of Upper Canada

6. Retention of Women initiatives and Equity events
7. Honorary Doctorate (LLD) recipients
8. Access to Justice
9. New Treasurer Thomas G. Conway
10. Good Character hearings

Also in 2012, the Law Society:

- Distributed 58 media releases and advisories (44 in English and 14 in French) about a variety of issues of importance to the public and the profession.
- Distributed eight tribunal decision news releases and 35 weekly decision summaries. Numerous media outlets throughout the province routinely report these hearing results. In 2012, Communications maintained a list of more than 95 members of the media who have asked to receive these summaries.

Program Support

Communications provided support to a number of key Law Society programs and initiatives throughout the year, including the Continuing Professional Development requirement, Articling Task Force, Law Society Referral Service, five-year review of paralegal regulation, Retention of Women in Private Practice initiatives, the Law Society Referral Service, the *Your Law: Family Law in Ontario* website and other Access to Justice projects.

Communications also provided support to increase public awareness about the Human Rights Monitoring Group efforts to monitor and recommend interventions in cases of human rights violations that target members of the legal profession and the judiciary as a result of the discharge of their legitimate professional duties.

Throughout 2012, Communications staff also worked with the Equity Initiatives Department to promote and host 12 Public Education Equality and Rule of Law Series events.

Improving service with technology

The Information Systems (IS) Department manages the business information systems, computing infrastructure, communication networks and databases of the Law Society.

To fulfil the Law Society's mandate, IS uses effective and efficient business applications to provide staff, members and the public with ready access to important information.

The IS strategy continues to focus on five areas:

- Providing greater access to information to increase staff efficiency and effectiveness
- Designing and delivering innovative applications to support Convocation priorities
- Modernizing older applications to ensure they continue to operate effectively
- Protecting confidential information and enhancing security
- Promoting socially responsible computing and reducing the Law Society's environmental footprint

Day-to-day: continuous improvement and larger projects

While focusing on maintaining a reliable computing infrastructure and business systems, IS also builds new capabilities to support the needs of the business and of Convocation.

In 2012, the department completed a number of significant projects that improved both internal efficiency and overall service to Law Society stakeholders:

- Implemented processes and technologies to scan paper member files in the Member File Room — another step toward safeguarding the Law Society's paper records, improving efficiency through workflow management and reducing paper.
- Improved document and content management capabilities to help better manage member files electronically.
- Established a new data backup system to ensure our systems and data are protected and can be restored quickly, if necessary.
- Enabled an online referral system for the Law Society Referral Service, allowing more members of the public to find a lawyer or paralegal.
- Provided crucial support for two Convocation webcasts and online discussions, allowing lawyers and law students from all over the province to see and participate in two debates on the resolution of the articling issue.

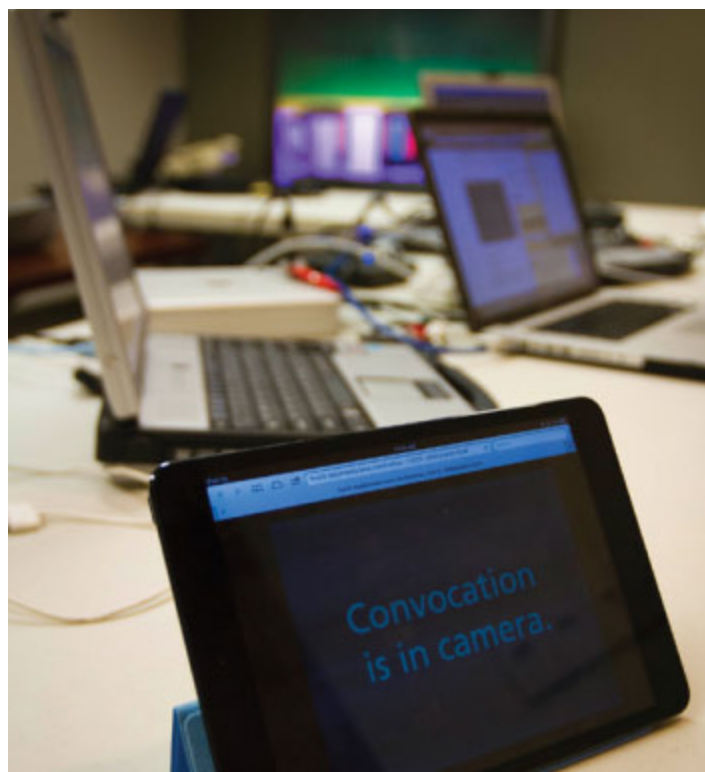
Excellence achieved

In October 2012, Information Systems achieved Excellence Canada's *Progressive Excellence Program*® Level 1 Certification for its commitment to quality, excellence and customer service. Information Systems is the second Law Society area to achieve this distinction.

Looking forward

In 2013 and beyond, Information Systems will focus its efforts on the following:

- Developing new modules of the secure LSUC Portal, to provide members with the capability to receive and pay their annual and other fees, and to conduct other business transactions with the Law Society.
- Implementing electronic document management technology and processes to better manage the creation, filing, retrieval, searching, retention and archiving of electronic documents.
- Upgrading the core computing infrastructure to provide additional capacity on IBM and Windows platforms.
- Continuing to implement green computing initiatives that will reduce energy consumption and demonstrate the Law Society's corporate social responsibility.



Fostering a culture of leadership and excellence

The Human Resources (HR) Department strives to cultivate a thriving workplace that establishes the Law Society as an employer of choice and ensures that we can provide high quality professional service to the public, lawyers and paralegals. Strong, effective leadership is an important part of the Law Society's culture, and leadership development is about enhancing the Law Society's performance and increasing professionalism.

Leadership Development

The sixth cohort of participants in the Leadership Edge Program, delivered through the Joseph L. Rotman School of Management at the University of Toronto, started in April 2012 and graduated in early December 2012. This cohort is made up of participants from the Law Society, and the College of Physicians and Surgeons Ontario (CPSO). Having participants from the CPSO continues to enhance the experience of the program for our employees as well as raise the profile of the Law Society as a "leader" in leadership development amongst Ontario regulators.

Performance Planning and Review

The Law Society is committed to providing an interesting and rewarding workplace for all employees. Central to this commitment is having a performance management process in place that is efficient to use, effective at assessing employee progress and providing ongoing coaching and feedback. Following the in-depth analysis of employee focus group results and discussion, the HR-lead Performance Management Redesign Group, moved forward with an online performance management process and tools. The redesigned process — Performance Planning and Review (PPaR) — underwent thorough testing, during a two-year pilot. The PPaR was launched to the whole organization for the 2012 review period and a full performance management cycle was completed.

Greater Toronto's Top Employers

Understanding our employees' needs has made us one of Greater Toronto's Top Employers. October 2012 marks the seventh year the Law Society has been named one of Greater Toronto's Top Employers, and the tenth year as a Top Employer. In a marketplace where key talent recruitment and retention are essential to the Law Society's success, this designation recognizes the Law Society as one of Greater Toronto's exceptional places to work. Being publicly recognized as an industry leader is an important validation of the Law Society's dedication to employ best human resources practices.



THE AWARD DISTINGUISHES THE FOLLOWING
LAW SOCIETY PROGRAMS AND POLICIES:

an array of **alternative work arrangements**, including flexible scheduling, telecommuting, shortened and compressed work week options

tuition subsidies for employees taking courses at outside institutions, in-house and online training programs and career planning services

parental leave top-up programs
(up to 93% of salary for 17 weeks)

compassionate leave top-up payments
(up to 70% of salary for eight weeks)

Managing our financial resources

The Law Society's Finance Department is committed to continuously improving the way it manages and reports the organization's finances. A summarized version of the 2012 audited annual financial statements, reporting financial results for the Law Society, are set out below, with the full version contained in a separate publication, available upon request and from the Law Society's website.

Report of the Independent Auditor on the Summary Financial Statements



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To the Members of The Law Society of Upper Canada

The accompanying summary financial statements, which comprise the summary balance sheets as at December 31, 2012, December 31, 2011 and January 1, 2011, and the summary statement of revenues and expenses and changes in fund balances for the years ended December 31, 2012 and December 31, 2011, are derived from the audited financial statements of The Law Society of Upper Canada for the years ended December 31, 2012 and December 31, 2011. We expressed an unqualified audit opinion on those financial statements in our report dated April 25, 2013. Those financial statements, and the summary financial statements, do not reflect the effects of events that occurred subsequent to the date of our report on those financial statements.

The summary financial statements do not contain all the disclosures required by Canadian generally accepted accounting principles. Reading the summary financial statements, therefore, is not a substitute for reading the audited financial statements of The Law Society of Upper Canada.

MANAGEMENT'S RESPONSIBILITY FOR THE SUMMARY FINANCIAL STATEMENTS

Management is responsible for the preparation of a summary of the audited financial statements on the basis described in the Note.

AUDITOR'S RESPONSIBILITY

Our responsibility is to express an opinion on the summary financial statements based on our procedures, which were conducted in accordance with Canadian Auditing Standard ("CAS") 810, "Engagements to Report on Summary Financial Statements."

OPINION

In our opinion, the summary financial statements derived from the audited financial statements of The Law Society of Upper Canada for the years ended December 31, 2012 and December 31, 2011 are a fair summary of those financial statements, on the basis described in the Note.

A handwritten signature in black ink that reads "Deloitte LLP".

Chartered Professional Accountants, Chartered Accountants
Licensed Public Accountants
April 25, 2013

THE LAW SOCIETY OF UPPER CANADA
SUMMARIZED BALANCE SHEET

As at December 31, 2012, December 31, 2011 and January 1, 2011

	Dec. 31, 2012 (\$000s)	Dec. 31, 2011 (\$000s)	Jan. 1, 2011 (\$000s)
Assets			
Cash	19,474	19,364	17,696
Short-term investments and other current assets	22,824	22,786	17,467
Investments in subsidiaries	35,642	35,642	35,642
Portfolio investments	70,864	70,097	75,310
Capital assets	14,744	15,218	16,989
Total Assets	163,548	163,107	163,104
Liabilities			
Current liabilities	20,361	22,719	22,351
Provision for unpaid grants / claims	10,675	13,382	10,334
Unclaimed trust funds	2,747	2,337	2,184
Total Liabilities	33,783	38,438	34,869
Fund Balances			
Fund balances	129,765	124,669	128,235
Total Liabilities and Fund Balances	163,548	163,107	163,104

SUMMARIZED STATEMENT OF REVENUES AND EXPENSES
AND CHANGE IN FUND BALANCES

For the years ended December 31

	2012 (\$000s)	2011 (\$000s)
Revenues		
Annual fees	67,402	64,119
Insurance premiums and levies	101,678	102,531
Professional development and competence	17,089	15,754
Investment income	3,401	2,959
Other revenues	6,591	6,692
Total revenues	196,161	192,055
Expenses		
Errors and omissions insurance fund	98,876	103,908
Professional regulation and tribunals	21,416	21,145
Professional development and competence	16,977	15,751
Administrative	8,495	7,545
Compensation fund	8,231	12,618
Client service centre	6,719	6,011
Facilities	4,959	4,618
Other expenses	25,392	24,025
Total expenses	191,065	195,621
Surplus (Deficit)	5,096	(3,566)
Fund balances, beginning of year	124,669	128,235
Fund balances, end of year	129,765	124,669

NOTES TO THE SUMMARY FINANCIAL STATEMENTS

December 31, 2012 and 2011

The Law Society of Upper Canada has prepared these summary financial statements to be included in its annual report. These summary financial statements present an aggregated view of the same information as contained in the audited financial statements, except that they do not include a statement of cash flows and the notes to the audited financial statements.

The audited financial statements can be obtained from The Law Society of Upper Canada, and are available on its website www.lsuc.on.ca.

Financial Performance

The Law Society is reporting an operating surplus of \$5.1 million in 2012, compared to a deficit of \$3.6 million in 2011. The surplus in the current year arises largely from:

- Continued growth in Professional Development & Competence revenues, exceeding 2011 levels by \$1.3 million and budget by \$2.2 million.
- Limited growth in Regulatory and Professional Development & Competence expenses.
- Compensation Fund operations resulted in a surplus of \$2.3 million due to favourable developments in the provision for unpaid grants and investment income.
- In the Errors & Omissions Insurance Fund, revenues, primarily insurance premiums, exceeded amounts remitted to LAWPRO by \$3.9 million.

The Law Society's General Fund reports the bulk of the Society's operations related to its regulatory and competence mandate. The lawyer and paralegal General Fund incurred a surplus of \$276,000 (2011 – surplus of \$208,000).

ANNUAL FEES

Total annual fee revenues have increased to \$67.4 million from \$64.1 million in 2011 attributable to an increase in the fee for lawyers of \$41 and for paralegals of \$25 and an increase in the number of lawyers and paralegals billed.

PROFESSIONAL DEVELOPMENT AND COMPETENCE

Professional Development & Competence (PD&C) revenues have increased from \$15.8 million to \$17.1 million due to a higher number of Licensing Process candidates and an increase in the proportion of continuing professional development registrations for paid versus free programs. PD&C expenses are \$1.2 million higher than 2011 at \$17 million. This is primarily a budgeted response to continuing professional development volumes arising from the second year of implementation of the compulsory program.

PROFESSIONAL REGULATION AND TRIBUNALS

Regulatory expenses of \$21.4 million are slightly higher than 2011. There were budgeted staffing increases primarily in the Discipline and Investigation departments in response to increased workloads in recent years, but this increase in resources was offset by a decrease in expenses for outside counsel and expert witnesses during 2012.

COMPENSATION FUND

The Compensation Fund is maintained to mitigate losses sustained by a client as a consequence of a lawyer or paralegal's dishonesty. Total expenses decreased from \$12.6 million to \$8.2 million because of the net change in the provision for unpaid grants in 2012 and 2011. This favourable change in the provision

in unpaid grants explains the improvement in the "bottom line" of the combined lawyer and paralegal Compensation Funds from a deficit of \$2.4 million in 2011 to a surplus of \$2.2 million in 2012.

ERRORS & OMISSIONS INSURANCE FUND

The Errors & Omissions (E&O) Insurance Fund accounts for insurance-related transactions between LAWPRO, the Law Society and insured lawyers, collecting premiums and levies from lawyers and remitting these amounts to LAWPRO. Insurance premiums and levies decreased from \$102.5 million in 2011 to \$101.7 million in 2012. The base premium for professional liability insurance coverage for Ontario lawyers was unchanged from 2011. However, the premium for the real estate practice coverage option decreased and premium discounts increased, resulting in lower total premiums. Total expenses of the Fund have decreased from \$104 million in 2011 to \$99 million in 2012 primarily because the fund has not made a contribution to the 2012 insurance program over and above the premium transfer.

COUNTY LIBRARIES FUND

The Finance Department continues to provide financial services to LibraryCo Inc. through the administrative services agreement that includes preparation of financial reports, development of the annual budget and administrative assistance to county law associations on financial matters.

PARENTAL LEAVE ASSISTANCE PLAN (PLAP)

PLAP provides financial assistance to lawyers in firms of five lawyers or fewer. During 2012, Convocation extended the PLAP pilot project to permit further study. Also, the PLAP eligibility criteria were modified so, starting in January 2014, an applicant must have a net annual practice income of less than \$50,000 to be eligible to receive benefits. In 2012, benefit payments totalled \$343,000 to 39 successful applicants (2011 - \$495,000 to 60 successful applicants).

Other Finance Department Operational Items

CATERING

The Catering Department enjoyed a good year in 2012 with increased revenues in virtually all areas. For instance, more customers meant sales in the dining room increased by four per cent.

LAWYERS FEED THE HUNGRY PROGRAM

The Lawyers Feed the Hungry Program (LFTH), a program funded by charitable donations to The Law Society Foundation (LSF), comprises programs in Toronto, London, Ottawa and Windsor. The Finance and Catering departments continue to play key roles in assisting the programs. In Toronto, Catering is actively involved in the sourcing of food and supplies, the planning of menus and assisting in the preparation of meals.

The Finance Department administers the LSF and receives charitable donations for the LFTH program, ensuring compliance with Canada Revenue Agency requirements for charities. Outside of the Toronto program, staff liaise with volunteer program co-ordinators on financial and fundraising matters and provide funding from donations received in support of these programs.

ANNUAL FEE/ANNUAL REPORT ADMINISTRATION

To improve the efficiency of the annual fee payment and the annual report filing processes, late fees have been implemented and the default period for paying / filing has been reduced from 120 days to 90 days beginning in 2013 and then 60 days in 2014.

Looking Ahead

The Law Society’s General Fund and Compensation Fund are primarily funded by lawyers and paralegals paying annual fees as set out below. Lawyers also fund the operations of the County and District Law Libraries under the administration of LibraryCo Inc. and the compulsory professional liability insurance program via the E&O Fund.

In November 2012, Convocation approved the 2013 budgets for lawyers and paralegals and in September 2012, Convocation approved LAWPRO’s report for the 2013 insurance year, resulting in the following fees and premiums:

LAWYERS

	2011	2012	2013
General Annual Fee	\$1,292	\$1,326	1,340
County Library Annual Fee	196	203	205
Compensation Fund Annual Fee	222	222	221
Capital Annual Fee	75	75	85
Total Annual Fees	1,785	1,826	1,851
Base Insurance Premium	3,350	3,350	3,350
Total Annual Fees and Premiums	\$5,135	\$5,176	\$5,201

PARALEGALS

	2011	2012	2013
General Annual Fee	\$711	\$693	\$758
Compensation Fund Annual Fee	171	214	153
Capital Annual Fee	75	75	85
Total Annual Fees	\$957	\$982	\$996

The Law Society’s 2013 budget focuses on the organization’s core responsibilities and the established priorities for the 2011-2015 benchers term, specifically:

- Access to justice
- Competence and professional standards
- Equity, diversity and retention
- Tribunal issues
- Business structures/law firm financing
- Professional regulation

Over the last 10 years, the number of lawyers has increased by 40%, from 26,000 full fee paying equivalent lawyers in 2002 to a projected 36,600 in 2013. Since 2007, the Law Society’s role as regulator has expanded to include paralegals. As a consequence, 4,050 paralegals will be included under the licensing and regulatory mandate of the Society for 2013. The Law Society has had to increase its resources to administer the increasing membership, but has also benefited from the increasing membership revenue base. While still rising, the rate of growth of licensees is expected to slow.

The Law Society is conducting an operational review directed at organization and management of the operations, and potential efficiencies. We are also developing a long-term financial plan intended to maintain financial strength, ensure operational sustainability and ensure ongoing support of the Law Society’s core functions and the priorities of Convocation.

The Law Society’s fund balances are sufficient to assist in absorbing potential shocks that might arise in uncertain economic times. It is difficult to assess future economic direction and the Law Society must remain fiscally prudent in the management of the levy and its fiscal affairs.



Convocation Committee Chairs



Paralegals Elected to the Paralegal Standing Committee



Treasurer

Thomas G. Conway

Elected Benchers

Raj Anand, LSM

Constance Backhouse, C.M., O.Ont., LSM

Jack Braithwaite

Christopher D. Bredt

John E. Callaghan

John A. Campion

Mary Louise Dickson, O.Ont., Q.C.

Adriana Doyle

W. Paul Dray

Ross F. Earnshaw

Lawrence Alexander Eustace

Robert F. Evans, Q.C.

Julian N. Falconer

Alan D. Gold

Howard Goldblatt

Michelle Haigh

Jennifer A. Halajian

Susan M. Hare

Carol Hartman

Jacqueline Horvat

Janet Leiper

Michael M. Lerner

M. Virginia MacLean, Q.C., LSM

Wendy Matheson

William C. McDowell

Susan T. McGrath

Malcolm M. Mercer

Janet E. Minor

Barbara J. Murchie

Julian Porter, Q.C.

Judith M. Potter

Nicholas John Pustina, Q.C.

Susan Richer

Linda R. Rothstein, LSM

Mark Sandler

James A. Scarfone

Paul B. Schabas

Alan G. Silverstein, C.S.

Joseph J. Sullivan, C.S.

Beth Symes, C.M., LSM

Robert Wadden

Peter C. Wardle

Paralegals Elected to the Paralegal Standing Committee

Robert J. Burd

Cathy Corsetti, Chair

W. Paul Dray

Michelle Haigh

Kenneth C. Mitchell

Appointed Benchers

Marion Boyd

Seymour Epstein, P.Eng.

Dow Marmur

Jack Rabinovitch, O.C., O.Ont.

Jan Richardson

Gerald Sheff

Baljit Sikand

Catherine Strosberg

Ex-Officio Benchers

The Hon. John Gerretsen, MPP

Bob Aaron

Larry Banack

Christopher Bentley

Michael J. Bryant

The Hon. W. Dan Chilcott, Q.C.

John T. Clement, Q.C.

Austin M. Cooper, Q.C.

Paul Copeland, C.M.

E. Susan Elliott, LSM

Abraham Feinstein, Q.C., LSM

The Hon. Lee K. Ferrier, Q.C.

Neil Finkelstein

The Hon. James M. Flaherty, P.C., MP

Patrick Garret Furlong, Q.C., LSM

Gary Lloyd Gottlieb, Q.C.

The Hon. John D. Ground, Q.C.

Howard G. Hampton

Charles A. Harnick, Q.C., LSM

George D. Hunter

Vern Krishna, C.M., Q.C., FRSC, LSM

Gavin MacKenzie

Ronald D. Manes

The Hon. R. Roy McMurtry, O.C., O.Ont., Q.C.

W. A. Derry Millar

Daniel J. Murphy, Q.C.

Ross W. Murray, Q.C.

Alan W. Pope, Q.C.

The Hon. Sydney L. Robins, O.Ont., Q.C., LSM

The Hon. Allan Rock, P.C., Q.C.

Heather Joy Ross

Clayton Ruby, C.M.

Arthur R.A. Scace, C.M., Q.C.

Norman W. Sterling, Q.C.

Harvey T. Strosberg, Q.C., LSM

Gerald A. Swaye, Q.C., C.S.

J. James Wardlaw, Q.C., LSM

Bradley H. Wright

Roger D. Yachetti, Q.C.

David S. Young

Honorary Benchers

His Royal Highness Prince Charles,
The Prince of Wales

The Right Honourable The Baroness
Thatcher, L.G., O.M., P.C.

Laurie H. Pawlitza (Emeritus)

Marshall A. Crowe, LSM (Emeritus)

Convocation Committee Chairs

Marion Boyd, Access to Justice

Michelle Haigh, Access to Justice

Christopher Bredt, Audit & Finance

Carol Hartman, Audit & Finance

Thomas G. Conway, Compensation; Priority
Planning

Peter Wardle, Compensation Fund

Howard Goldblatt, Equity and Aboriginal Issues

William McDowell, Government Relations and
Public Affairs; Professional Regulation

Julian Porter, Government Relations and Public
Affairs

Constance Backhouse, Heritage

Janet Minor, Inter-Jurisdictional Mobility;
Professional Development & Competence

John Campion, Litigation

Cathy Corsetti, Paralegal Standing Committee

Paul B. Schabas, Proceedings Authorization

Raj Anand, Tribunals

Law Society Tribunal Chairs

Alan D. Gold, Hearing Panel

Mark Sandler, Appeal Panel

MEMBERSHIP – 2012

Ross F. Earnshaw was elected a bencher on
June 28, 2012 as a result of the vacancy created
by the election of the Treasurer.

Robert Topp, a life bencher, passed away on
July 15, 2012.

Aslam Daud ceased to be a lay bencher on
August 15, 2012.

Gerald Sheff was appointed a lay bencher on
August 15, 2012 to fill the resulting vacancy.

The Honourable Lincoln M. Alexander, P.C., C.C.,
O.Ont., C.D., Q.C., LSM, an Honorary Bencher,
passed away on October 19, 2012.

Chief Executive Officer

Robert G.W. Lapper, Q.C.
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Organizational Strategy &
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Director, Professional
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This report is available on The Law Society of
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